

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION No. 7753 of 2004

Between:

Y.Pattabhi Ramaiah, S/o Yadlapally Papa Rao,
R/o Jayanthipuram, Jaggaiahpet Mandal, Krishna District.

..... PETITIONER

AND

- 1 The District Level Committee, Panchayath, rep., by its Chairman,
Krishna District, Machilipatnam.
- 2 The District Panchayat Officer, Machilipatnam, Krishna District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or writ one in the nature of writ of mandamus, declaring the action of the respondents to auction the sand quarries at Jayanthipuram/Ravirala Reach of Jaggaiahpet Mandal, Krishna District as per Andhra Pradesh Minor Mineral Concession Rules, 1966 as arbitrary, illegal and unconstitutional.

Counsel for the Petitioner : SMT.N.SHOBA

Counsel for the Respondents : G.P. FOR PANCHAYAT RAJ & RURAL DEV.

The Court made the following :

ORDER:

The petitioner who claims to be a villager of Jayanthipuram village filed the present writ petition stating that the sand quarries situated at Jayanthipuram, Ravirala Reach have not been auctioned and he further states that if the same is auctioned, the Gram Panchayat, Mandal Parishad and Zilla Parishad would get more revenue and seeks writ of Mandamus to auction the sand quarries at Jayanthipuram/Ravirala Reach of Jaggaiahpet mandal.

The Advocate General representing the respondents submits that ground water report is awaited for taking further action in the matter of the said quarries.

Having regard to the facts and circumstances of the case, in view of falling down of the ground water level in the State enormously, the sand quarries cannot be auctioned in the absence of report with regard to the ground water position. Therefore, the respondents, upon receiving the ground water report, are directed to follow the procedure as contemplated under law for auction of the sand quarries at Jayanthipuram/Ravirala Reach of Jaggaiahpet mandal.

The writ petition is accordingly dismissed. No costs.

A.GOPAL REDDY, J

DA

To

1 The Chairman, District Level Committee, Panchayath,

Krishna District, Machilipatnam.

2 The District Panchayat Officer, Machilipatnam, Krishna District.

3 Two CCs to the G.P. for Panchayat Raj and Rural Development

Department, High Court Buildings, Hyderabad (OUT).

4 Two CD copies.

